



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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August 10, 2018

Mr. Don V. Rangel
Superintendent
Weld County School District RE-1
14827 WCR 42
Gilcrest, Colorado 80623

Sent via email only to XXXX

Re: Weld County School District 1
OCR Case Number: 08-18-1326

Dear Superintendent Rangel:

On April 9, 2018, we received a complaint filed against Weld County School District 1 (the District) alleging discrimination on the basis of national origin and disability. Specifically, the complaint alleged that the District does not provide dual services (English learner and special education) to English Learner (EL) students with disabilities at Platteville Elementary School (the School).

We initiated an investigation under the authority of Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 Code of Federal Regulations Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education; Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations.

During the investigation, and before we conducted interviews and had sufficient evidence to support findings, the District expressed a desire to take voluntary action to resolve the complaint allegation. OCR determined that it was appropriate, pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), to resolve the allegation with a 302 Agreement (Agreement) without completing a full investigation. On August 9, 2018, the District entered into the attached Agreement which, when fully implemented, will resolve the concerns raised in the complaint. The Agreement requires the District to:

1. Review and revise its policies and procedures as necessary to ensure these clearly state that EL students with disabilities will participate in both English language development

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

(ELD) instruction and special education or related aids and services, unless an individualized determination has been made by following the procedures required by Section 504 and Title II at 34 C.F.R. Sections 104.33-104.36 that it is inappropriate to provide dual services because of the documented nature of the student's disability.

2. Train the School's personnel on the revised policies and procedures.
3. Submit a report regarding each EL student with a disability at the School during the 2017-2018 school year (SY) with the following information:
 - a. The name, title, and qualifications (including whether the provider has an EL endorsement) of the primary provider of ELD instruction to the student during SY 2017-2018;
 - b. A copy of the EL student's individual language plan;
 - c. Indication of whether the EL student received direct ELD instruction by a qualified EL teacher and provide the amount of weekly ELD instructional time each EL student actually received; and
 - d. Indication of whether the student was enrolled in the District as of August 1, 2018.
4. For any student with a disability who did not receive the necessary ELD instruction from a qualified EL teacher, the District will convene a team of persons knowledgeable about the student and ELD instruction, including the student's parents, to individually assess the amount of compensatory services, if any, for each EL student and, if necessary, draft an action plan containing proposed compensatory services or remedial measures that will be offered or taken, the specific timelines for implementation, and the person(s) responsible for overseeing full and timely implementation.

When the Agreement is fully implemented, the allegation will be resolved consistent with the requirements of Title VI, Section 504, Title II, and their implementing regulations. OCR will monitor implementation of the Agreement through periodic reports from the District demonstrating that the terms of the Agreement have been fulfilled. We will promptly provide written notice of any deficiencies with respect to the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. The Complainant will be copied on our monitoring letters. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions.

This concludes OCR's investigation of the allegation and should not be interpreted to address the District's compliance with any law or regulatory provision, or to address any issues other than those addressed in this letter.

Please note that the Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation. Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

This letter sets forth OCR's determination in an individual case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's

formal policy statements are approved by a duly authorized OCR official and made available to the public.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will protect personal information to the extent provided by law.

We are committed to prompt and effective service. If you have any questions, please contact Allison Morris, the attorney assigned to this case, at XXX or by email at XXX.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney

Attachment: Signed Resolution Agreement

cc: Elizabeth Francis, Esq., District Counsel
Dr. Katy Anthes, Colorado Commissioner of Education